

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

WILLIE LEE IVERSON

PLAINTIFF

v.

No. 5:15-cv-114-DPM

**MINE SAFETY APPLIANCES COMPANY;
3M COMPANY; AMERICAN OPTICAL
CORPORATION; DOES, John and Jane 1-500;
and JOHN DOE CORPORATIONS, 1-500**

DEFENDANTS

ORDER

1. When this case was removed here recently, American Optical's long-pending motion to dismiss came with it. The motion is granted in part and denied in part. Iverson has abandoned his claims for breach of warranty and civil conspiracy. They're dismissed without prejudice. The gross-negligence claim as a basis for punitive damages fails because Arkansas doesn't recognize it. *National By-Products, Inc. v. Searcy House Moving Co., Inc*, 292 Ark. 491, 494, 731 S.W.2d 194, 196 (1987). The aiding-and-abetting claim seems to duplicate the abandoned conspiracy claim, and perhaps will drop out too. American Optical's motion is otherwise denied.

2. It would help everyone if Iverson would file an amended complaint – trimming the parties to only those still in, trimming the claims to only those that remain, and pleading *with specificity* about what each

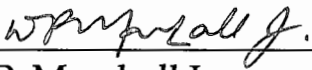
remaining defendant allegedly did and did not do.

3. The Court would appreciate a joint status report from all remaining parties. What is the status of discovery? How much more time is needed on that front? And please include anything else you think the Court needs to know about the case.

* * *

Motion, No 5, granted in part and denied in part. Joint status report due by 10 July 2015. Amended complaint due by 17 July 2015.

So Ordered.



D.P. Marshall Jr.
United States District Judge

